

REMARKS

Favorable reconsideration of the subject application is respectfully requested in view of the following remarks. By this amendment, claims 35, 62, 63 and 65 have been amended to more clearly recite specific aspects of the invention. Support for the amendment may be found throughout the claims and specification as originally filed. This amendment is not to be construed as acquiescence to any rejection and is made without prejudice to prosecution of any subject matter modified by the amendment in a related divisional, continuation, or continuation-in-part application.

Notice of Non-Responsive Amendment

The Examiner has issued a notice of non-responsive amendment, alleging that the reply filed on January 29, 2003 is not fully responsive to the prior Office Action. Specifically, the notice asserts that Applicants' reply, which amends the claims to recite SEQ ID NO:113 instead of SEQ ID NO:110, amends the claims such that they are drawn to non-elected subject matter.

Applicants respectfully traverse the basis of the notice and submit that the claims are drawn to elected subject matter. Applicants submit that the elected claims recite polypeptides encoded by SEQ ID NO:110. As stated in the instant application, the amino acid sequence of polypeptides encoded by SEQ ID NO:110 is set forth in SEQ ID NO:113 (page 125, lines 23-26). Accordingly, Applicants submit that claims reciting polypeptides of SEQ ID NO:113 are drawn to elected subject matter, since these polypeptides are, in fact, polypeptides encoded by SEQ ID NO:110. Furthermore, Applicants submit that a search and examination of claims reciting polypeptides encoded by SEQ ID NO:110 encompasses claims reciting polypeptides of SEQ ID NO:113, since SEQ ID NO:113 is the amino acid sequence of a polypeptide encoded by SEQ ID NO:110.

Applicants also note that the amendment filed on January 29, 2003 was submitted in response to an Office Action that specifically advised Applicants that such amendment was acceptable. As stated on page 2, lines 15-19, of the Office Action mailed July 29, 2003, "[t]he

claims should read either 'a polypeptide comprising at least a 9 amino acid fragment of the amino acid sequence encoded by the polynucleotide sequence of SEQ ID NO:110' or, if Applicant intended to claim a polypeptide sequence, then there should be a different SEQ ID NO: claimed." Applicants submit that their subsequent amendment merely provided the SEQ ID NO: for the polypeptide sequence referred to in the claims.

However, to provide additional clarity and to expedite prosecution of the instant application, Applicants have amended the claims to recite polypeptides encoded by SEQ ID NO:110 and specific nucleotides thereof. Applicants submit that the claims are now clearly drawn to elected and searched subject matter.

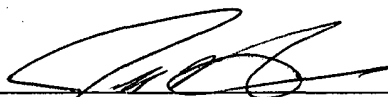
The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Applicants respectfully submit that all of the claims remaining in the application are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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